

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDDIE HUNTER,)	
)	Civil Action No. 06 - 1291
Plaintiff)	
)	Judge Joy Flowers Conti
vs.)	Magistrate Judge Lisa Pupo Lenihan
)	
)	
WILLIAM SCHOUPE, Warden of)	
Beaver County Jail,)	
)	
Defendant.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on September 26, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on November 23, 2007 (doc. no.15), recommending that Defendant's Motion to Dismiss (doc. no. 13) be granted. Plaintiff was served with the Report and Recommendation and advised that he had ten days within which to file objections to the Report and Recommendation. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of December, 2007;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (doc. no. 13) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 15) of Magistrate Judge Lenihan dated November 23, 2007, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Eddie Hunter
Beaver County Jail
6000 Woodlawn Boulevard
Aliquippa, PA 15001